

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**GENERAL ELECTRIC CAPITAL
CORPORATION**, a Delaware Corporation

Plaintiff,

- against -

WILLIE E. GRAY, a resident of Florida,
**GARY WILLIAMS, FINNEY, LEWIS, WATSON
AND LEWIS, P.L.**, a Florida corporation, **GARY 737
LLC**, a Florida limited liability company, and
SUSSMAN & WATKINS, a New York partnership

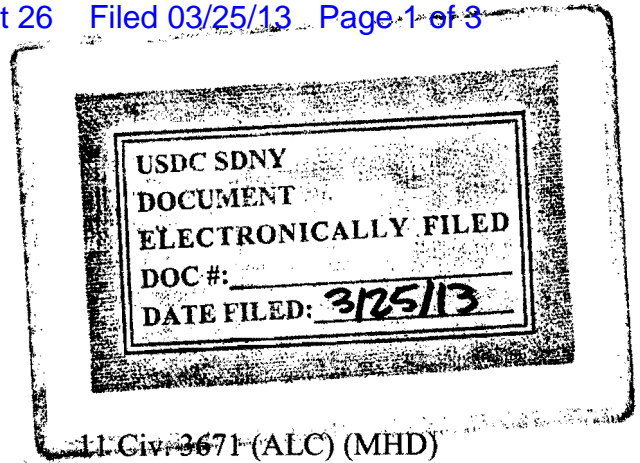
Defendants.
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ANDREW L. CARTER, JR., United States District Judge:

I. BACKGROUND

Plaintiff General Electric Capital Corporation ("Plaintiff") commenced this lawsuit to recover moneys owed to it on a loan made to defendant Gary 737 LLC for the purchase of a Boeing 737 aircraft. Following default on the loan, Plaintiff sued Gary 737 LLC and guarantor Willie E. Gary and Mr. Gary's law firm. Defendants admitted to having defaulted on the loan at the first conference. Defendants stipulated to joint and several liability to GE Capital, which the Court "So Ordered" on November 22, 2011. The Court conducted an inquest to assess the damages that defendants owed Plaintiff.

By Order dated January 31, 2013, Magistrate Judge Michael Dolinger, to whom this matter had been referred for supervision of pretrial proceedings, issued a Report and Recommendation (the "Report"), a copy of which is attached and incorporated herein, recommending that judgment should be entered in favor of the Plaintiff in the amount of \$3,074,728.09 in principal, \$465,730.50 in interest as of April 9, 2012, \$51,973.24 in late



11 Civ. 3671 (ALC) (MHD)

Order

charges, \$111,667.73 in attorney's fees, and \$3,263.58 in expenses. For the reasons stated below, the Court adopts the recommendations of the Report in their entirety.

II. STANDARD OF REVIEW

A district court evaluating a Magistrate Judge's report may adopt those portions of a report and recommendation to which no specific written objection is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law. Fed.R.Civ.P. 72(b); Thomas v. Arn, 474 U.S. 140, 149, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); Greene v. WCI Holdings Corp., 956 F.Supp. 509, 513 (S.D.N.Y. 1997). The Court is not required to review any portion of a Magistrate Judge's report that is not the subject of an objection. See Thomas, 474 U.S. at 149, 106 S.Ct. 466. A district judge may accept, set aside, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge. See Fed.R.Civ.P. 72(b); DeLuca v. Lord, 858 F.Supp. 1330, 1345 (S.D.N.Y. 1994).

III. DISCUSSION

Having conducted a review of the full factual record in this litigation, including the pleadings, and the parties' respective papers submitted in connection with the underlying motions, as well as the Report and applicable legal authorities, the Court concludes that the findings, reasoning, and legal support for the recommendations made in Report are not clearly erroneous or contrary to law and are thus warranted. Accordingly, for substantially the reasons set forth in the Report the Court adopts the Report's recommendations that Plaintiff should be awarded \$3,074,728.09 in principal, \$465,730.50 in interest as of April 9, 2012, \$51,973.24 in late charges, \$111,667.73 in attorney's fees, and \$3,263.58 in expenses.

Plaintiff's attorneys' billable hours and the total fees charged are reasonable given the absence of any specific or persuasive critique from defendants. Defendants do not address disbursements, which the Court finds reimbursable under the contract.

IV. ORDER

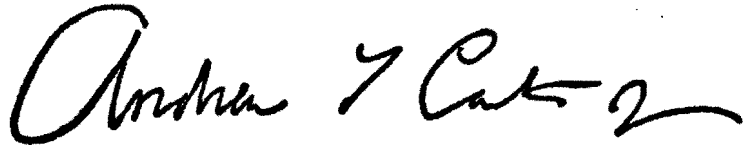
For the reasons discussed above, it is hereby

ORDERED that the Report and Recommendation of Magistrate Judge Michael Dolinger dated January 31, 2013 (Docket No. 25) is adopted in its entirety, and judgment should be entered for Plaintiff in the sum of \$3,074,728.09 in principal, \$465,730.50 in interest as of April 9, 2012, \$51,973.24 in late charges, \$111,667.73 in attorney's fees, and \$3,263.58 in expenses.

The Clerk of Court is directed to close this case.

Dated: New York, New York
March 25, 2013

SO ORDERED.

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a horizontal line.

Andrew L. Carter, Jr.
United States District Judge